

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROLANDO D. PERNELL, II,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CV797 TIA
)	
CITY OF BEL-RIDGE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Pro se plaintiff Rolando Pernell, also known as Rex Bey, filed this action under the “Zodiac Constitution,” the “Treaty of Peace and Friendship,” 42 U.S.C. § 1983, various federal criminal statutes, and other laws and treaties. He names as defendants several municipalities, and he claims that defendants have violated his rights as an “Aboriginal Indigenous Moorish-American; possessing Free-hold by Inheritance and Primogeniture Status; standing Squarely Affirmed, aligned and bound to the Zodiac Constitution.” The thrust of plaintiff’s allegations is that he is not subject to the laws of the United States, the State of Missouri, or the local municipalities because of his alleged Moorish ancestry. However, plaintiff admits to being born in the United States and does not allege that he is a citizen of an existing foreign nation.

Plaintiff has also submitted a motion to proceed in forma pauperis. That motion is granted.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. An action is frivolous if it “lacks an arguable basis in either law or fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992). An action is malicious if it is undertaken for the purpose of harassing the named defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff’d 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).


The complaint is legally frivolous. The Zodiac Constitution and the Treaty of Peace and Friendship are not recognized authorities under federal law. The complaint, which is mostly gibberish, fails to allege any facts showing a violation of the Constitution of the United States. And the federal criminal statutes do not provide plaintiff with a cause of action. As a result, this action will be summarily dismissed under 28 U.S.C. § 1915(e).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of May, 2012.